1914-15
[Courts]

File no. 529 of 1914
Sl no. 1 to 5

---

Privilage leave to mr K. S. Chandra-
-Shekara Aiyar. Judge, chief court, and arrangements
Consequent on the grant thereof.

[7. R. S. 58]

*Previous references.*

; 25[illegible]
; 329 of 05
5 65 -06
5 202 of 08
; 195 of 1910-166
; 150 of 1911 *Later references.*

CS 149-12 (I)
CH 252-14 (I)
no 169, vol II
(Civil Cdl[n])
Ch 15 2-17[illegible]

**File No.** 59 of 1914

**Serial Nos.** 1 to 5

**19** 14-15

( Courts )

# GENERAL AND REVENUE SECRETARIAT.

Maybe preserved
Apr 1926

*Serial Nos.* 1-5

**Part B for** November 1914

SUBJECT.

Privilege leave to Mr R. S. Chandrasekhara Aiyar, Junr Chief Court, and arrangement consequent other grant thereof

From Hon Registrar, Chief Court
No 1220/76 dt 14.11.1914

States that Mr Chandrasekhara Aiyar is desirous of obtaining priv: leave of absence on full pay for 31 days with effect from the 23rd Nov 1914 with permission to avail himself of Christmas holidays in continuation and forwards the Surgeon's certificate & the priv: leave rules

Serial 2

To The Compiler, Mysore Gazette
GPB—5,000—22-10-10
No J 1387 dt 18-11-1914

Notifies the grant of 31 days' priv: leave to Mr Chandrasekhara Aiyar from the 23rd Nov 1914 with permission to avail himself

No. C. 186.
27 to 14

G.R.S. 11] 1914-15

GENERAL AND REVENUE SECRETARIAT.

( Courts )

NOTES.

File No. 59 of 1914

FILE HEADING.

Privilege leave to Mr K. S. Chandrasekhara Aiyar, Judge, Chief Court, and arrangement connected with the grant thereof.

From

The Registrar, Chief Court.

No. 1220/76 Dated 14/15.9.1914 Received 16/17.9.1914

| Diary No. 1949 | Enclos. 2 Spare Copies. | Serial No. 1 |
|---|---|---|

BRIEF ABSTRACT OF LETTER.

States that Mr Chandrasekhara Aiyar [illegible] of obtaining priv: leave of absence on full pay for 31 days with effect from the 23rd Nov 1914 with permission to avail himself of Christmas holidays in continuation and forwards the Compts' certificate & the priv: leave declaration

NOTES AND ORDERS.

Mr Chandrasekhara Aiyar is entitled to the leave applied for.

2 Sub° for orders.

KS 18/9

No. 116
18.9.1914 [illegible]

NOTES—First Sheet.

GPB—35,000—15 6-12

G. R. S. 12 ]
General and Revenue Secretariat.

C5 File No. 59 of 1914-15

Serial No.

3 I believe there are references in this office on the question whether it is necessary under the Reg. to appoint a Judge during the absence on privilege leave of one of the Judges of the Chief Court. These should be put up.

Dewan
17/9

Subd.

4 Some discussion on the point is contained in the Confidential collection put up herewith.

Subd.
19.9.14

5 No arrangement for work is suggested during the absence of Mr Chendrasekhara Iyer on leave. Privately none is intended by the Chief Court. The Chief J. may be demi officially consulted in the matter if need be.

Dewan Sahib
21/9

First answer to Dewan's query

6 I think the recent precedents have all been in favour of an appointment. The question may be considered at a meeting

Dewan.
21.9.14

Dewan
22/9

What is the note of the Dewan?
Dewan
22/9

The Dewan wants a note on all possible alternatives. I will put it up. The Mysore will Hon'ble have all recent precedents put up in 3 days

Dewan
23/9

NOTE—Contn. sheet.

GPB—55,000—27-4-15

G. R. S. 12 ]
General and Revenue Secretariat.

File No. 59 of 1914-15

Serial No.

8. Please put up all references before me. When Sir Arnold White went on leave, new appointments were made. Please see if references are available from the Fort St George Gazette.

28
24/9

Q. Sub. Courts Collections 256 of 04, 337 of 05, 65 of 06, 198 of 1910, Sls 1-3 & 4-6, & 160 of 1912 are put up as also Fort St Geo. Gazette of July 7; 14, & August 4, 1914.

KG. 416
24.9.1914

10 From a reference to Compact 1st, it appears that a temporary appointment may be made or not.

11 In British India, such questions are governed by the Imperial Statutes, and the language of the Section makes it imperative to appoint a new judge "during any absence". (Vide S 100 in Ilbert's Govt of India p. 238 & 239) In a recent instance, it is submitted, the case of Sir A White may be quoted. Sir Arnold White was granted leave on medical certificate for 3 months; on return from his vacation, and Sir J Walker appointed to perform the duties of the Chief Justice.

28
26/9

Sec?)

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 59 of 1914-15

Serial No.

12 The privilege leave applied for is 31 days with effect from the 23rd Nov 1914.

13 The first alternative is not to make any acting appointment during the absence on leave of Mr Chandrasekhara Iyer. The Regulation provides that the Chief Court shall consist of three judges and as absence on privilege leave is absence from duty, the omission to make an appointment during this period appears to be opposed to the spirit of the legal provision. In British India acting appointments in such cases are invariably made & in Mysore also, they have been made. But cases to the contrary have also occurred in Mysore. If no acting appointment is made, the following consequences will ensue :—

(i) The two other judges will have to sit thrice a week as a Bench & do their additional work.

(ii) Cases for Full Bench should await the return of the absent judge.

Besides, it does not seem desirable to keep a vacancy in the highest Court of Justice unless unavoidable.

14 The second alternative is to appoint one of the District Judges to officiate as Judge of the Chief Court. Mr Plumer is the most Senior District Judge & the vacancy is not of a long duration.

D

15 There is still a third alternative viz an Ex officio arrangement ; but there is

D

GPB—03,000—15-9-14

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 59. of 1914-15

| Serial No. | |
|---|---|
| | in my opinion no suitable officer available for this purpose. This alternative does not appear to be desirable even if possible. Dewan Bahadur Rao 3/10 |
| | Second member of Council |
| | Dewan says in Council he wants Consult the C.J. & then deal with the case Dewan |
| | It may be discussed at a meeting of Executive Council 3/10 Dewan 3/10 |
| 17 | The file was personally submitted to Dewan yesterday. It is resubmitted for favour of further instructions. Very early orders are necessary regarding leave to Mr Gnana Chandra Sekhara Iyer & arrangements for work, if any, during his absence. |
| | Dewan Dewan Bahadur Rao 27/10 |
| | C.S. Include in Agenda: Supplemental: Urgent. Dewan 1/11 |

NOTE—Contn. sheet.

GPB—63,000—15-9-14

Record of Cases submitted for the Orders of His Highness the Maharaja

## *Subject.*

Appointment of Mr. Humza Hussain, District Judge of Mysore Division, as Ag. Judge of the Chief Court during the absence of Mr. Chandrasekhara Iyer on - privilege leave for 31 days from 23rd - November 1914.

393

## *Order.*

18 KRW
9/11/14

Sanctioned

11/11/14

10-11-14 KB

G. R. S. 12]

General and Revenue Secretariat.

ct File No. 59 , of 1914-15

| Serial No. | |
|---|---|
| | Draft Subm. Note & Council Minute placed in sealed cover :— |
| | 19 Draft Notification is put up with two other drafts |
| | Also proposals for consequential arrangements are |
| | noted below :— |
| | 1st Alternative : Seniority : |
| | 1. Mr B. Nagappa, to act as District Judge, Mysore, |
| | (Sub J. Shimoga) vice Mr Hamza Hussain |
| | 2. Mr T. Krishnaiyar : to act as Sub Judge, Shimoga |
| | (Munsiff, Hassan) vice Mr B. Nagappa |
| | 3. Chief Court to appoint a Munsiff vice No 2 & |
| | to report the appointment to Govt for formal Sanction :— |
| | Note :— No joining time to be allowed to any of the |
| | Officers :— |
| | 2nd Alternative : Convenience |
| | 1. Mr B. Subbanna : to act as D. J. vice |
| | (Sub J, Mysore) Mr Hamza Hussain. |
| | 2. Mr S. Krishna Rao (Munsiff, Bangalore) or Mr D. V. Rama Rao (Munsiff, Mysore) } to act as Sub Judge. vice Mr B. Subbanna. |
| | 3. Chief Court to appoint a Munsiff vice No 2 & |
| | report the appointment for formal Sanction of |
| | Govt :. |
| | Note :— No joining time :— D. Venkatarao 10/11 |

NOTE—Contn. sheet.

GPB—10,000—13-6-14

R. S. 12]

General and Revenue Secretariat. | File No. 59 of 1914-15

INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay. Rs. As.

Office Stamp. BANGALORE RECEIVED

| Handed in at (Office of Origin.) | Hour. | Minute. | Service Instructions. | Words. |
|---|---|---|---|---|
| Mysore 16 | 15 | 30 | | 32 |

Recd. 13 H. 44 M.

TO Dewan Bangalore

His Highness approves of the arrangements proposed in your note of the seventeenth instt regarding judicial appointments

Private Secretary

N. B.—The name of the Sender, if telegraphed, is written after the text.

Mufid-I-Am Press, Calcutta.—Tel.

NOTE—Contn. sheet.

GPB—25,000—2-11-14

Record of Cases submitted for the Orders of His Highness the Maharaja

## *Subject.*

Arrangements consequent on the appointment of Mr. Humza Hussain as an Ag. Judge of the Chief Court.

435

## *Order.*

20. KRW
18/11/14

Secretary -

21. The papers may be placed in a sealed Cover. Only the orders may remain (
18-11-14 RC

22 Six papers sealed in a cover which is attached to the file. DMW 19/11

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 5-9 of 1914-15

| Serial No. | |
|---|---|
| 2 | To The Compiler, Mysore Gazette<br>No J1387 Dy 18-11-1914<br>Notifies the grant of 31 days' privi: leave to Mr K. S. Chandrasekhara Aiyar, judge, Chief Court from the 23rd Nov 1914 with permission to avail himself of Christmas holidays in continuation. |
| | To The Registrar, Chief Court<br>No J1388 Dy 18-11-1914<br>Forwards a copy of the above notifn. |
| 3 | To The Compiler, Mysore Gazette<br>No J1389 Dy 18-11-1914<br>Notifies the appointment of Mr Mir Himza Hussain, District & Sessions Judge, to act as judge of the Chief Court during the absence of Mr Chandrasekhara Aiyar on leave, as also the appointment of Messrs B. Nayappa & T. Krishnaiya to act as Dist. & Sessions Judge & Subordinate Judge respy consequent on the absence of Mr Himza Hussain on other duty. |
| | To The Registrar, Chief Court<br>No J1390 Dy 18-11-1914<br>Forwards a copy of the above notifn. |
| 4 | To The Registrar, Chief Court<br>No J1391 Dy 18-11-1914<br>Forwards a copy of Nos 2 & 3 and requests |

NOTE—Contn. sheet.

GPB—10,000—13.6.14

No.

General and Revenue Secretariat. | C5 File No. 5-9 of 1916-15

Serial No.

that the Chief Comr will kindly appoint a Municipal to act for Mr T. Krishnaiyar at Kassauli and report the appointment made for the formal sanction of Govt.

P.T.O.

GPB--25,000--2-11-14

J. R. S. 12]

Jms 233-14

General and Revenue Secretariat. | G.O. File No. 59 of 1914-15

| | Serial No. | |
|---|---|---|
| G | | 23 The leave asked for is pri: leave on full |
| U | | pay and the Comptroller certifies that he is |
| R | | entitled to such leave under A.R. 184(5) & 189 M.S.R. |
| | | As in the notfn: granting leave, the above |
| | | articles have not been referred to, it is respect- |
| | | -fully sub^d for consideration if the Comptroller |
| | | should be informed that the pri: leave granted is one |
| | | on full pay. If such action is deemed necessary |
| | | a copy of the notfn: will be sent to the Comptr: |
| | | with the necessary endorsement. The above |
| | | articles of the M.S.R. were referred to in such notfns |
| B & G | | on previous occasions. |
| | | The Sub^d for orders with a draft as per standing |
| | | Rly. 116 directed. |
| | | 20-11-1914 |
| VS | | The draft may be approved. Dwarkanath 21/11 |
| | | First member) EB 21/11 |
| | | Draft approved by 1st member. |
| | | MV. 22.11.14. 27 Done today Done 23/11 |
| | | EB 23/11 |
| 5 | | To The Comptroller, Mysore Govt |
| | | No J 1443 Dy 23.11.1914 |
| | | Forwards a copy of 82 and states that the pri: |
| | | leave granted is on full pay |
| | | To M^r K. S. Chandrasekhara Aiyar |
| | | No J 1444 Dy 23.11.1914 |
| | | Forwards a copy of the above. |

GPB—25,000—2-11-14

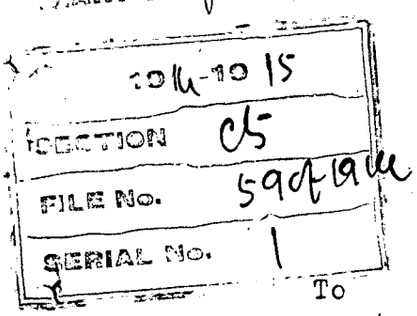
No: 1220 for 76

CHIEF COURT OF MYSORE,

BANGALORE, dated the 14th September 1914.

To

MAIN No. 9449 From




T. Venkoba Rao, Esq., B.A., B.L.,
Ag. Registrar of the Chief Court
of Mysore.

D. M. Narasinga Rao, Esq., B.A., B.L.,
Offg. Secretary to the Government of
Mysore,
General and Revenue Departments.

S I R ,

I am directed to state that Mr. Justice K. S. Chandrasekhara Aiyar is desirous of obtaining privilege leave of absence on full pay for thirty one days with effect from the 23rd November 1914, with permission to avail himself of the Christmas holidays in continuation.

The usual privilege leave declaration and the Comptroller's certificate showing the extent of privilege leave to which Mr. Justice Chandrasekhara Aiyar is entitled are enclosed.

I am to request that the Government may be pleased to grant the leave and permission applied for.

I have the honor to be,
S i r ,
Your most obedient servant,

AG. R E G I S T R A R.

H.C.C.

12

# Privilege Leave Declaration

2

Que 1 to 65 59-14-1

I hereby declare that- I intend to return to duty on the expiry of the privilege leave applied for, and that- I have no intention of resigning my office or retiring from the service or taking leave of any kind within three months after my return to duty.

M Chandrasekharaiah
Judge, Chief Court of Mysore

Bangalore,
14th Sept-1914-

Encl to CS 59-16-1 (3)

3

COMPTROLLER'S OFFICE.

Finl.]

BANGALORE,

No. 23

*Dated* 7 September 1916

# Leave Certificate.

Certified that Mr N S Chandrasekhara Aiyar B.A.B.L

Judge of the Chief Court of Mysore, Bangalore

under the Mysore Government is entitled to 3 months privilege

leave under Article 172 184(5) 185 the Mysore Service Regulations of which 2 months 25 days on full pay & the rest on half pay

Forwarded to the Acting Registrar of the Chief Court of Mysore Bangalore

with reference to his ~~docket~~ No. 90 dated 7 September 1916.

I Kalyanaraya Chetty

*Asst. Comptroller.*

ab- I 4

Ch 59-14-2

J 1387. Dt 18th Nov. 14

Notification

Mr K. S. Chendrasekhara Aiyar, Judge, Chief Court, is granted privilege leave of absence for 31 days from the 23rd November 1914 with permission to avail himself of the Christmas holidays in continuation.

By order

Dewan

18/11

A. Do. may be written to Mr K. S. C. Aya that the leave has been sanctioned.

Do. Shown to Mr I and despatched

Dewan

11/11

11/11

To

The Compiler Mysore Gazette

J 1388 for publication in tomorrow's gazette

the Registrar, Chief Court.

17/11

17.11.14.

Ao

5

Mysore Gazette
Part I Page 1099
dt 19.11.14

## GENERAL.

*No. J.* 1387—*Cts.* 59-14, *dated* 18*th November* 1914.

Mr. K. S. Chandrasekhara Aiyar, Judge, Chief Court, is granted privilege leave of absence for thirty-one days from the 23rd November 1914 with permission to avail himself of Christmas holidays in continuation.

By Order,

D. M. NARASINGA RAO,

*Officiating Secretary to Government,*
*General and Revenue Departments.*

II 6 5

ch 59-14-3

J 1389 dt 18.11.14

Notification

His Highness the Maharaja has been pleased to appoint Mr Hunuja Hussain B.A. B.L., District and Sessions Judge, Mysore Division, to act as a Judge of the Chief Court with effect from the 23rd November 1914, during the absence of Mr K. S. Chendrasekhara Aiyar on privilege leave sanctioned in Notification No J1387/ch 59-14 dated 18th Nov 1914.

2. During the above period or until further orders the following arrangements are also ordered :—

(i) Mr B. Nagappa, Subordinate Judge, Shi... to act as District & Sessions Judge vice Mr Hunuja Hussain.

(ii) Mr T. Krishnaswamy Iyengar, Munsiff, Hassan... to act as Subordinate & Asst Sessions Judge vice No (i).

By order.

18.11.14

Dewan
18/11

To

The Compiler, Mysore Gazette for publication in tomorrow's Gazette.

J 1390 The Registrar, Chief Court.

7

Mysore Gazette
Part I Page 1099
dy 19.11.14

## GENERAL.

*No. J.* 1389—*Cts.* 59-14, *dated* 18*th November* 1914.

His Highness the Maharaja has been pleased to appoint Mr. Mir Humza Hussain, B.A., B.L., District and Sessions Judge, Mysore Division, to act as a Judge of the Chief Court with effect from the 23rd November 1914, during the absence of Mr. K. S. Chandrasekhara Aiyar on privilege leave sanctioned in Notification No. J. 1387—Cts. 59-14, dated 18th November 1914.

2. During the above period or until further orders, the following arrangements are also ordered :—

(i) Mr. B. Nagappa, Subordinate Judge, Shimoga, to act as District and Sessions Judge *vice* Mr. Humza Hussain.

ii) Mr. T. Krishniengar, Munsiff, Hassan, to act as Subordinate and Assistant Sessions Judge *vice* No. (i).

By Order,
D. M. NARASINGA RAO,
*Officiating Secretary to Government,*
*General and Revenue Departments.*

III 6

J1391. Dated 18th Nov., 1944

X

cb 59-14-4

The Registrar,
Chief Court,

Sir,

In forwarding herewith the marginally noted Notifications in regard to the grant of privilege leave for 31 days to Mr Justice K. S. Chendrasekhara Aiyar and the consequential arrangements, I am directed to request that the Chief Court will kindly appoint a Munsiff to act for Mr T. Krishnaswamy at Hassan and report the appointment made for the formal sanction of Govt.

I have to

Dues
18/11

J1387 Dy 18.11.1944
J1389 Dy 18-11-1944

18.11.14
RC

97

G. R. S. 26]

23/11

File No. 59-14

Serial No. 5

*Diary No. of letter replied to*

No. J 11443 En 1.

General and Revenue Secretariat

( )

, *the* 191 .

To

The Comptroller,

Mysore Gott

Date of issue 23/11/14.

Signed by M. G. Srinivasaiyangar

Sir,

I am directed to forward herewith a copy of notification No. J 1387/ CS 59-14-2 dated the 18th Nov 1914 granting privilege leave of absence for 31 days to Mr K. S. Chamarasethara Aiyar, Judge, Chief Court, and to state that the privilege leave granted in the said notification is on full pay.

I have the honour to be,

Sir,

Your most obedient servant,

22/11/14

SUBJECT.

over.

21/11

Chief Secy to Govt

P. T. O

23/11

Memo No 1644, Dt 23/11/14.

Copy of the above is forwarded to the Hon'ble K. S. Chandrasekhara Aiyar, Judge, Chief Court, for information.

By order,

Secy

21/11

Offg: Secy to Govt

*List of enclosures.*

*Copied by*

*Examined by*

GPB—25,000—8-8-11.